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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,967	01/09/2002	Andrew J. Bernoth	BLD920010010US1	6679
66517 7590 07/25/2007 STEVEN E. BACH, ATTORNEY AT LAW 10 ROBERTS ROAD NEWTOWN SQUARE, PA 19073			EXAMINER ADHAMI, MOHAMMAD SAJID	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/042,967	<b>Applicant(s)</b> BERNORTH, ANDREW J.	
	<b>Examiner</b> Mohammad S. Adhami	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- Applicant's amendment filed 5/10/2007 is acknowledged.
- Claims 1-18 have been cancelled.
- Claims 19-37 have been added.
- Claims 19-37 are pending.

### ***Specification***

1. The amendment filed 5/10/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: identifying defined features of the specifically written filter and searching the pre-written filters for the identified defined features.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not adequately disclose how the program/system/method of claims 19,26,and 31 operate. The method/system/device of how a substitute filter is identified is not adequately disclosed.

The process of matching the pre-written filter files with defined features/criteria/intended functions as claimed in claims 21,23,24,27,29,30,33,35, and 36 is not defined in the specifications, nor are features/criteria/intended functions.

The defined test used to identify a pre-written filter, as recited in claims 20 and 32, is not supported in the specifications.

Searching for identified defined features, as recited in claims 22,25,28,34, and 37, is not supported in the specifications.

3. Claims 19-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As amended, claims 19,26, and 31 recite *identifying a pre-written filter which address the specific circumstances for which an existing filter was*

*specifically written*. After carefully examining the instant disclosure, the examiner respectfully submits that support for this amendment is lacking and the addition of said limitation is new matter. The specification discloses *identifying a pre-written filter as a substitute for a specifically written filter*, but there is no comparison made with regards identifying a pre-written filter that addresses the specific circumstances for which an existing filter was specifically written.

As amended, claims 25 and 26 recite *identifying a problem that an existing filter was written to avoid and searching to identify a pre-written filter that avoids the identified problem*. After carefully examining the instant disclosure, the examiner respectfully submits that support for this amendment is lacking and the addition of said limitation is new matter. The specification discloses writing a filter to address circumstances or situations, but there is no comparison made with regards to identifying a problem that an existing filter was written to avoid and searching to identify a pre-written filter that avoids the identified problem.

Claims 20-24,27-30, and 32-37 are rejected because they depend from rejected claims.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 21-24,27-30,33, and 34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 21,27, and 33, *identifying defined features* is vague and indefinite. What are the defined features that are identified?

In claims 23 and 35, *identifying defined criteria* is vague and indefinite. What are the defined criteria that are identified?

In claims 24,29, and 30, *identifying intended functions* is vague and indefinite. What are the intended functions?

Claims 22,28, and 34 are rejected because they depend from rejected claims.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 19-37 (as best understood) are rejected under 35 U.S.C. 102(e) as being anticipated by Hong (US App. 2004/0213233).

**Re claims 19,25,26,31 and 37:**

Hong discloses *an existing router filter written specifically for the router to address specific circumstances of the network operation* (Fig.9 S905 where the routes in the previous routing table is an *existing filter written specifically* and where the specific circumstances are reducing the cost of routing paths and).

Hong further discloses *providing a set of a plurality of pre-written filters* (Fig.9 ref.S905 where the routes in the network topology information are a “set of a plurality of pre-written filters”).

Hong further discloses *identifying a pre-written filter as a substitute for the existing filter which addresses specific circumstances for which the existing filter was specifically written* (Fig.9 ref.S905 where the routing table is reconstructed to replace the previous “written filter” and the routes in the network topology (“pre-written filter”) are used to identify some of the routes on the topology to substitute and Para.[0033] where all possible routes are computed and the routes kept from the previous topology are routes that match the specifically written filter and where the specific circumstances are reducing the cost of routing paths).

Hong further discloses *identifying the substitute pre-written filter by matching each of the plurality of pre-written filters, one at a time, with the specifically written filter to determine which pre-written filter most closely matches, according to a defined test, the specifically written filter* (Para.[0033]

The formation of the routing table is implemented by a bounded flooding routing algorithm (BFRA). The algorithm computes all possible routing entries which

exist between the transfer and receiving point and compares with the routing table; where the BFRA is the defined test).

Hong further discloses *identifying a problem the existing filter was written to avoid and searching the pre-written filters to identify a pre-written filter that avoids the identified problem* (Fig.9 ref.S905 where the routing table is reconstructed to replace the previous "written filter" and the routes in the network topology ("pre-written filter") are used to identify some of the routes on the topology to substitute where this tries avoiding the problem of wasting resources leading to an inefficient network).

Hong further discloses *writing the identified pre-written filter onto the router* (Fig.9 ref.S907 where the compared routes that are kept from the old topology are pre-written filters that are found to match the specifically written filter).

Hong further discloses *using one of the pre-written filters to determine how the router routes data* (Fig.9 ref S907 where a router uses routes to route data).

Hong further discloses *an algorithm* (Abstract "The present invention performs BFRA (bounded Flooding Routing Algorithm) on a network topology information provided by a network management system to form a routing table").

**Re claims 20-24,27-30, and 32-36:**

Hong discloses *identifying which one of the pre-written filters addresses matches the specific circumstances for which the existing filter was specifically written, according to a pre-defined test, criteria, features or functions* (Abstract



"The present invention performs BFRA (bounded Flooding Routing Algorithm) on a network topology information provided by a network management system to form a routing table" where the criteria (or feature) is the cost of the link and the cost is calculated and then used and Para.[0004] "it is needed to provide various yet distinguished services from other existing services to meet a user's expectations" where the user's expectations are used in the criteria and where the function is routing data on paths that reduce cost).

### ***Response to Arguments***

8. Applicant's arguments filed 7/20/2006 have been fully considered but they are not persuasive.

In the remarks on pg.10, Applicant contends the specification provides support for identifying a substitute filter by searching pre-written filters that address the specific circumstances of the network operation.

The Examiner respectfully disagrees. Having written a filter for a specific circumstance does not enable identifying a substitute filter by searching for a specific circumstance. The process of writing the filter and the process of identifying a filter are not the same thing.

An enablement rejection stands because "The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, and concise, and exact terms as to enable any

person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention." The specification fails to adequately disclose the above stated limitations.

In the remarks on pg. 10-11, Applicant contends the routes in a network topology are not equivalent to router filters.

The Examiner respectfully disagrees. The routes used in a network topology read on the claimed limitation of a routing filter. The routes being used determine where the data is routed, which takes into consideration the cost of the routes and therefore the path traversed by the data. The limitations of a routing filter determining the type of class or class of data and determining when, where, and how to send data are not reflected in the claims.

In the remarks on pg.12, Applicant contends that Hong does not teach identifying a pre-written filter as a substitute for a specifically written filter, and that Hong teaches away suggesting all filters are specifically written.

The Examiner respectfully disagrees. Hong does disclose identifying a pre-written filter as a substitute for a specifically written filter (Fig.9 ref.S905 where the routing table is reconstructed to replace the previous "written filter" and the routes in the network topology ("pre-written filter") are used to identify some of the routes on the topology to substitute and Para.[0033] where all possible

routes are computed and the routes kept from the previous topology are routes that match the specifically written filter and where the specific circumstances are reducing the cost of routing paths). Furthermore, the claimed limitation of a "pre-written filter" does not prevent that filter from being a specifically written filter. Therefore, the interpretation of Hong reads on the claimed limitation.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sabourin (US 5,903,545) shows replacing a routing table.
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

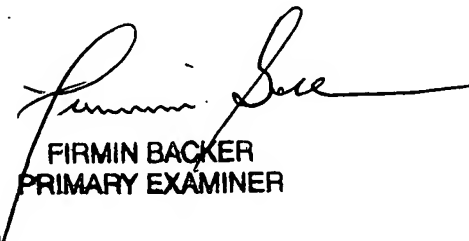
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad S. Adhami whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSA 7/23/07

  
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